

## **Minutes of Special and Regular Meeting of September 8, 2009**

### **SPECIAL MEETINGS**

#### **CLOSED SESSION - 6:00 P.M.**

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: Three Cases
- B. Conference with Real Property Negotiator Crist pursuant to Government Code Section 54956.8: 91 Parcels, APN's 043-071-010, 043-021-380, 043-021-010, 043-072-010, 043-072-030, 043-203-420 and 430, 044-242-040, 043-030-120, 043-030-320 through 500, 043-042-180, 043-042-580 through 600, 043-061-290, 043-061-400, 043-061-580 through 810, 043-062-010, 043-062-160 through 200, and 043-062-480 through 670

Attended by Councilmembers Feierbach, Wozniak, Lieberman, Braunstein, City Manager Crist, City Attorney Zafferano, Human Resources Director Dino, Finance Director Fil, Community Development Director de Melo. Councilmember Dickenson was absent and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:20 P.M.

**Terri**

**Cook**

**City Clerk**

This meeting was not tape recorded or videotaped.

#### **REGULAR MEETING - 7:30 P.M.**

##### **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: Dickenson

Staff Present: City Manager Crist, City Attorney Zafferano, Human Resources Director Dino, Interim Public Works Director Borrmann, Police Captain DeSmidt, Parks and Recreation Director Gervais, Recreation Services Manager Brunson, Finance Director Fil, City Manager Intern Spacher, City Treasurer Violet, City Clerk Cook.

##### **PLEDGE OF ALLEGIANCE**

Led by Sabrina Eshaghi and Jessica Russon, Carlmont High School students.

Ms. Eshaghi stated that climate change is the environmental challenge for the future. She noted that the Stop Junk Mail project is an attempt to reduce household junk mail.

Ms. Russon explained that she and Ms. Eshaghi began this campaign with their families and it has expanded into the community. Their goal is to save 3,000 trees. She noted that all one needs to do is fill out one simple form and mail it in.

##### **REPORT FROM CLOSED SESSION**

City Attorney Zafferano stated that direction was given but no action taken on the Closed Sessions held earlier.

## **SPECIAL PRESENTATIONS**

### **Proclamation Declaring September 17-23, 2009 as Constitution Week**

Mayor Braunstein read the proclamation.

### **Proclamation Declaring September 20-26, 2009 as Fall Prevention Week**

Mayor Braunstein read the proclamation.

**Susan Feledy**, San Mateo County Fall Prevention Task Force, noted that 51 Belmont residents experienced a fall in 2008. A needs assessment was conducted, and the most common reason for falls is disrepair of sidewalks. The goal of the Task Force is to encourage the improvement of infrastructure.

### **A New Policy Approach to Recycling Known as Extended Producer Responsibility (EPR)**

**Heidi Sanborn**, Product Stewardship Council, described the issue of packaging disposal, which ends up in the landfill. She noted that the State of California mandated recycling but did not mandate product source reduction. The goal is to design packaging with the environment in mind. She noted that there is support for disposable products rather than repair of them. Other countries have already implemented policies to address this issue. She described the new Environmental Protection Authority study that indicates that greenhouse gases can be reduced by addressing product packaging.

In response to Councilmember Feierbach, Ms. Sanborn stated that cities are able to ban the use of plastic bags or impose fees to use them. She noted that cities can demonstrate there is a budget impact on the cost to clean them up.

Councilmember Feierbach noted that some product containers are recyclable, and some are not.

Councilmember Wozniak expressed support for the resolution. She noted that the City is always trying to find ways to reduce waste.

**ACTION:** On a motion by Councilmember Lieberman, seconded by Councilmember Wozniak, Resolution 10162 Supporting Extended Producer Responsibility was unanimously approved by a show of hands (4-0, Dickenson absent).

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Kathleen Beasley**, Belmont Library Branch Manager, outlined upcoming programs to be held at the library.

**Sylvia Chu**, Belmont Lions Club, invited the public to attend a talent show sponsored by the Belmont Lions Club.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Braunstein made the following announcements: Movie Night to be held September 11<sup>th</sup>; City Council and Belmont-Redwood Shores School Board Joint Meeting to be held September 29<sup>th</sup>; High-Speed Rail meeting to be held September 12<sup>th</sup>; Public Safety Memorial Service to be held September 13<sup>th</sup>; AYSO Opening Ceremony to be held September 12<sup>th</sup>; City Employees will participate in the American Heart Association Walk on September 16<sup>th</sup>; County Disaster Preparedness Workshop to be held on September 12<sup>th</sup>.

**RECESS: 8:00 P.M.**

**RECONVENE: 8:05 P.M.**

## **AGENDA AMENDMENTS**

Councilmember Feierbach requested the removal of Consent Item 4-A (Resolution Accepting a Grant Deed From Concar Enterprises, Inc. For Real Property Consisting of Three Legal Parcels on Haskins Drive), and Councilmember Wozniak requested the removal of Consent Item 4-B (Resolution Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for U.S Highway 101/Pedestrian/Bicycle Bridge Project) for separate consideration.

## **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Resolution 10163 Authorizing the City Manager to File an Application for Measure A Funding with the Transportation Authority and State Support to Complete the U.S. Highway 101/Ralson Avenue Bicycle Pedestrian Bridge Project - City Contract Number 433

**Approval of** Resolution 10164 Appointing a Financial Advisor and Bond Counsel in Connection with the Issuance of the 2009 Sewer Treatment Facility Bonds

**Approval of** Resolution 10165 Regarding the City of Belmont's Intention to Issue 2010 Tax-Exempt Sewer Revenue Bonds and Appointing a Financial Advisor and a Bond Counsel in Connection with the Issuance of Such Bonds

**Approval of** Resolution 10166 Accepting Work, Approving As-Built Plans, and Authorization to Issue Notice of Substantial Completion to Capitol City Development, Inc. for the Manor House Restoration Project, City Contract No. 483

## **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

### **Resolution Accepting a Grant Deed from Concar Enterprises, Inc. for Real Property Consisting of Three Legal Parcels on Haskins Drive (APN's 043-231-010, 020 & 070)**

Councilmember Feierbach requested that a letter of appreciation be sent to Concar for dedicating these properties to the City.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 10167 Accepting a Grant Deed from Concar Enterprises, Inc. for Real Property Consisting of Three Legal Parcels on Haskins Drive (APN's 043-231-010, 020 & 070) was unanimously approved by a show of hands (4-0, Dickenson absent).

**Resolution Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$6,700,000, Approving a 10% Construction Contingency, Authorizing the City Manager to Execute a Contract, and Allow Lane Closure and Construction Work on Ralston Avenue and Hiller Street from 7AM to 5PM for the U.S Highway 101/Pedestrian/Bicycle Bridge Project - City Contract Number 433**

Councilmember Wozniak stated that she supports the construction of the bike bridge, and expressed her desire to protect residents who live near the entrance to the bridge. She recommended that efforts be made to avoid construction beginning at 7:00 a.m. for the portion of the project near residences.

Councilmember Lieberman thanked staff for its efforts in moving this project along.

Mayor Braunstein commended former city councils and staff for their efforts as well.

In response to Councilmember Wozniak, Interim Public Works Director Borrmann clarified that less than ten percent of City of Belmont monies are allocated to this project, which is very unusual for a project of this nature. Funding is coming primarily from grants and federal stimulus funds.

**ACTION:** On a motion by Councilmember Wozniak, seconded by Councilmember Lieberman, Resolution 10168 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$6,700,000, Approving a 10% Construction Contingency, Authorizing the City Manager to Execute a Contract, and Allow Lane Closure and Construction Work on Ralston Avenue and Hiller Street from 7AM to 5PM for the U.S Highway 101/Pedestrian/Bicycle Bridge Project - City Contract Number 433 was unanimously approved by a show of hands (4-0, Dickenson absent).

## **OLD BUSINESS**

### **Status Report on Solid Waste Collection Services Franchise Agreement Business Terms**

City Manager Crist noted that the new solid waste franchise agreement with Recology (formerly Norcal Waste) would begin on January 1, 2011, and that the City is negotiating the details of the agreement. The contract from the South Bayside Waste Management Authority (SBWMA) was being used as a model. He outlined the various staff members involved in the negotiations.

**Mike Brown**, Consultant, clarified that Norcal was chosen as the franchisor through a parallel process by the City of Belmont and by SBWMA. He noted that some cities have already approved the contract. The term of the agreement will be ten years, and best management practices and performance standards will be included in the new agreement.

In response to Councilmember Wozniak's questions regarding the Product Stewardship model, Mr. Brown stated that an initial list has been developed, and more can be added later. The vendor could be required to implement those ideas. He outlined the customer base and described the trash pickup schedule. He clarified that each customer can select bin size to meet individual needs.

In response to Councilmember Feierbach's question regarding large item disposal, Mr. Brown indicated that it is up to the waste company on how to address individual items. He noted there are financial rewards in the contract to encourage recycling. Optional services are being discussed, and flexibility will be provided. The City will control this component of the contract.

Councilmember Wozniak noted that multi-unit dwellings find it challenging to find space for recycling.

Councilmember Feierbach requested that inserts be included in on-line billing. She would like to address empty cans left on the sidewalk by the trash hauler. She requested the addition of notices on the trash cans to encourage owners to remove cans from the sidewalk after they have been emptied.

Mayor Braunstein noted that diversion rates are low at schools, and that recycling is not available at all schools. This is an area that needs improvement. There is a need to educate school staffs.

Councilmember Lieberman stated there is an opportunity for more recycling to occur at schools and businesses. He expressed a desire to negotiate economic incentives such as rebates.

Mr. Brown provided an overview of the proposed franchisee payments to the City of Belmont. He recommended a percentage to adjust for inflation rather than a flat fee. He discussed the legacy payment to Allied at the end of the franchise if there is a shortfall. He outlined the rate-setting process, and noted that legacy payment is a primary motivator. There is a desire to not include this component in the future. There is a need to provide a predictable rate structure for customers. He clarified that Belmont's rates are higher than average for surrounding cities due to fewer commercial customers and more hills. He recommended removing the cost of providing special services for comparison purposes. He described incentives and disincentives that are being discussed.

Discussion ensued regarding how performance bonuses would be calculated, how records will be kept, and how reports will be provided.

In response to Mayor Braunstein, Mr. Brown clarified that liquid damages are not disincentives but reflect a breach of agreement. Payment is made to the City, not to SBWMA or other cities. Disincentives could result in a future rate reduction.

In response to Councilmember Feierbach, Mr. Brown explained how the annual trash rates are set. He clarified that the formula has yet to be determined. There are some fixed costs. Other costs should be variable based on the consumer price index. The Shoreway facility costs are controlled by the member cities. Rates will be lower if more recycling occurs.

Councilmember Lieberman recommended that labor rates be limited to no more than the percentage given to the Belmont city staff.

Mr. Brown described other provisions of the franchise agreement. He noted that all materials will be taken to the Shoreway facility, which does not represent a change in the current practice. He described the various billing methods that will be available.

Mayor Braunstein recommended a review of the current billing practice for single family residences wherein bills are paid in advance. He expressed a concern about paying in advance and questioned whether this results in lower costs. Mr. Brown explained that the issue is the exposure to bad debt. He described remedies, conflict of interest, and reporting requirements.

City Manager Crist noted that a draft franchise agreement would be presented to the City Council at a future meeting.

## **NEW BUSINESS**

### **Discussion and Direction Regarding Joint Use Agreement with the Belmont/Redwood Shores School District**

Parks and Recreation Director Gervais described the purpose and need for a joint field use agreement with the Belmont-Redwood Shores School District. He stated that the existing agreement expired in 2008, and negotiations have been under way since that time. He clarified that four school fields are included at Central, Ralston, Fox, and Nesbit Schools. He noted that the City desires to offset costs to maintain the fields by generating revenue through increased use of the facilities. He outlined the costs, and noted that the school district is likely to save money under the terms of the new agreement. Costs to the City will likely increase, but he clarified that those costs could be offset by new revenue through expanded programs and the exclusive use of some facilities during the summer.

Discussion ensued regarding watering costs.

Recreation Services Manager Brunson provided potential revenue data based on various field uses.

Parks and Recreation Director Gervais stated that the proposed agreement will enable the Parks and Recreation Department to enhance the number of programs it can provide the community, especially during the summer months.

In response to Councilmember Wozniak, Parks and Recreation Director Gervais clarified that a matrix developed by the department indicated a need to create more recreation opportunities for residents living in the western end of town.

Recreation Services Manager Brunson noted that the Parks and Recreation Department does not want to compete with the day camps operated by school vendors.

Discussion ensued regarding the logistics of revenue sharing if the City hired third-party vendors to operate summer camps.

Parks and Recreation Director Gervais described the outreach to the Parks and Recreation Commission and the Belmont-Redwood Shores School Board. He noted that issues were

discussed and vetted, and the proposed agreement was changed based upon feedback received. He outlined the benefits and disadvantages to the proposal. He stated that if no agreement is in place, higher costs to sports groups could result, as well as a demand for more time on City-owned fields. He noted this matter is on the agenda for the upcoming joint meeting between the City Council and Belmont-Redwood Shores School Board.

Councilmember Feierbach commended City staff and the Parks and Recreation Commission for their work on this proposed agreement.

Councilmember Wozniak noted that this matter was discussed by the City/School District 2+2 subcommittee, which concurred in its support for the agreement. She expressed concern regarding the need to define sunrise and sunset as denoted in the agreement, as well as clarity regarding noise.

Councilmember Lieberman commended those who worked on the draft agreement, and stated it is a better document than the previous agreement. There are many opportunities for the use of fields and facilities. There is a need to have clear language regarding revenue sharing.

**Tom Snider**, Belmont United Soccer Club/Belmont AYSO, expressed support for the proposed agreement. He noted that youth sports are strong in Belmont, and there is a need for affordable fields. He commented that the sports groups could assist with marketing any new programs.

**Craig Jones**, Belmont-Redwood Shores Little League, expressed support for the agreement. He noted that 65 percent of the youth who play on the fields live in Belmont. There is a need for safe fields. He commented that the agreement is cost effective.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Wozniak reported on the recent High-Speed Rail Alliance activities. She noted that many are following this issue and there has been much civic involvement. The Alliance is moving its meetings to the north end of the County. The California High-Speed Rail Authority is doing more outreach.

Councilmember Lieberman commented regarding the recent Infrastructure Committee meeting. The Carlmont High School traffic issue was discussed, and he noted the City is working with the school to reduce the volume of cars. He outlined other issues addressed by the Infrastructure Committee.

Councilmember Wozniak commented that the new Carlmont principal is doing a good job in his communications with parents.

Mayor Braunstein stated that there is an issue for students who need to carry many items to and from school, which affects the number of cars going to the campus. There is a need for bike

racks. He noted that the school principal is willing to meet with the Infrastructure Committee regarding this issue.

Mayor Braunstein provided an update on Economic Development activities. He noted that the City has received responses to its Request for Quote for the Firehouse Square target site. Community Development Director de Melo added that the property owner of 1300 El Camino Real is also interested. Mayor Braunstein added that there is a need to work with and assist the existing businesses in the area.

**Verbal Report from City Manager**

City Manager Crist stated that he met with the Belmont-Redwood Shores School District Superintendent to review the proposed agenda for the joint meeting. He noted that the proposed Joint Use Agreement will be included on the agenda.

**ADDITIONAL COMMENTS AND ANNOUNCEMENTS**

Councilmember Wozniak stated that Baskin Robins and Togo's, located on El Camino Real, recently closed their doors. Community Development Director de Melo noted that the only activity at this site was possible interior remodeling or tenant improvements. He is not aware of any proposals for new tenants.

**ADJOURNMENT** at this time, being 9:55 P.M.

**Cook**

Meeting Tape Recorded and Videotaped  
Audio Recording 735

**Terri**

**City Clerk**